

Howard County's Design Advisory Panel Rules of Procedure

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**Administered by
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RULES OF PROCEDURE

100. General

These rules are adopted pursuant to the authority of the Howard County Code, Title XVI "Planning, Zoning and Subdivisions and Land Use Regulations," Sub Title XV "Design Advisory Panel," Section 16.1506 "Rules of Procedure." The Design Advisory Panel (DAP) is specifically exempted from and not subject to the provisions of the Howard County Code, Title II "Administrative Procedures," Subtitle I "Administrative Procedures Act."

- A. At least four members of the DAP must be present to constitute a quorum. The DAP shall not meet in the absence of a quorum, and no applications may be reviewed, except for reasons of self-recusal by a member as addressed under section J below.
- B. At its first, regularly scheduled meeting in November of each year, the DAP shall elect from among its members a Chairperson and Vice Chairperson to serve for the term of one year each. An affirmative majority vote of a quorum of the DAP shall be necessary to elect members as officers. Officers may only serve for two consecutive terms, and in no case shall any officer serve for more than 24 months consecutively.
- C. The Chairperson shall preside over all meetings of the DAP; call special meetings as needed; interpret these Rules of Procedure as they apply to conduct of the DAP; and, in general preside over the conduct and proper decorum of the DAP while the DAP is in session.
- D. The Vice Chairperson shall have all of the powers, duties and responsibilities of the Chairperson in the Chairman's absence.
- E. A temporary Chairperson may be elected by affirmative majority vote of a quorum of the DAP to serve for a single meeting or as may be necessary during any absence of both the Chairperson and Vice Chairperson.
- F. The Director of Planning and Zoning or the Director's Designee shall act as the Executive Secretary to the DAP. The Executive Secretary shall notify all members of meetings, both regularly scheduled and special; prepare the agenda and notice; insert the necessary notice on the Internet; and, maintain records of meetings of the DAP, where a recommendation is being considered on an application before the DAP.
- G. The Legal Advisor shall be the County Solicitor or other member of the Office of Law, as designated by the County Solicitor. The Legal Advisor may attend and participate in the meetings of the DAP, as deemed necessary by the Office of Law.
- H. Unless excused by an affirmative majority vote of the DAP, any member of the DAP who is absent for three consecutive, regularly scheduled meetings, will be deemed as having vacated his or her position on the DAP. The Executive Secretary may then automatically submit a request to County Administration to appoint a replacement.

- I. No member of the DAP with a personal, financial or equity interest in the outcome of a decision on an application shall speak or vote upon the matter during the DAP's deliberations. Members may choose to leave the meeting at their own discretion. Members absent from meetings due to self-recusal shall be considered as excused.
- J. If the self-recusal of any member results in the loss of a quorum, the Executive Secretary may record the recommendation of the remaining members of the DAP. Such a recommendation may be forwarded to the Director on behalf of the DAP.
- K. Members of the DAP are required to file statements of financial interests per Howard County Code, Title XXII, "General provisions, penalties and rules of interpretation," Sub Title II "Public Ethics," Section 22.205 "Financial Disclosure."
- L. Except as may otherwise be provided by law or these Rules, prior to a meeting on an application to the DAP, a member of the DAP shall not communicate with any party on any matter relevant to the application. Following adoption of a recommendation by the DAP, members may choose to communicate with any party at their discretion.
- M. On-site inspections by DAP members are permitted. A DAP member may visit subject properties before the meeting. DAP members are not required to visit the properties. DAP members are expected to contact the applicant and/or owner prior to any visit to secure permission to enter private property. Unless otherwise posted or prohibited by law, DAP members may enter public property that is the subject of an application.

101. Schedule and Notice

- A. A regularly scheduled meeting of the DAP shall be held on the second and fourth Wednesday of each month, at 7:30 p.m. unless otherwise moved by the affirmative majority vote of a quorum of the DAP. Meetings shall be in a place designated by the Executive Secretary and noticed on the Internet.
- B. The DAP may adopt limits to the length of regularly scheduled meetings as part of its procedures. If an application cannot be heard due to such a limit, the meeting shall be continued to a time mutually agreed upon by the DAP and the applicant, and such time shall be announced prior to the conclusion of the regularly scheduled meeting.
- C. Items on the DAP agenda are limited to a maximum of five applications for review. Additional applications in excess of five shall be held by the Executive Secretary for the next, regularly scheduled meeting. Also, the DAP may hold a special meeting.
- D. Special meetings of the DAP may be called by the Chairperson or Executive Secretary when it is necessary to prevent an undue delay to any application or to consider any matter that requires attention prior to the next, regularly scheduled meeting.
- E. Unless otherwise provided by law, a quorum of the DAP shall be present to conduct any regularly scheduled or special meeting. A tie vote shall be recorded as such. All motions shall be recorded and forwarded to the Director of Planning and Zoning.

- F. Notice of regularly scheduled meetings shall be placed on the Howard County web page seven calendar days prior to the meeting. Notice shall include the date, time, and place of the meeting, and the address, applicant's name and a brief description of each application to be reviewed. Applicants are also required to post notice of the meeting on the subject property, per the policies adopted by Planning and Zoning.
- G. At least seven days prior to regularly scheduled meetings or one day prior to special meetings, a copy of the agenda for such meeting shall be distributed to members. No application may be reviewed that has not been properly noticed.
- H. At least 15 calendar days prior to the date scheduled for a regular DAP meeting, applicants on the agenda shall post subject properties with signs provided by DPZ. Applicants will photograph these signs and submit copies of photographs to the DAP Executive Secretary within three calendar days of posting their subject properties.
- I. At least 20 calendar days prior to the date scheduled for a regular DAP meeting, applicants shall submit 8 identical copies of their proposal and a digital version in pdf format to the DAP Executive Secretary. Copies will be distributed to the DAP at least 7 calendar days prior to the meeting and will be available for public review.
- J. For special meetings, notice shall be placed on the Howard County web page at least three calendar days prior to the special meeting. Notice shall include the date, time, and place of the meeting, and the address, applicant's name and a brief description of each application to be reviewed. Applicants are also required to post notice of special meetings on the subject property at least three days prior to the special meeting. If possible, properties should be posted as many days prior as possible.

102. Conduct of the Meetings

- A. Applicants and their licensed architects must appear to present their applications to the DAP.
- B. The Chairperson shall preside over all DAP meetings and establish the order in which presentations, written comments, pre-submission minutes and discussions are heard.
- C. The applicant, Architect, and other design professionals involved in the development and design of the proposal will present the proposal with supporting illustrations and respond to questions raised by DAP or the DAP Executive Secretary.
- D. Meetings are open to the public. Participation by members of the public is limited to submission of comments in writing on design issues in advance of the DAP meeting.
- E. Members of the public may submit comments in writing on design issues to the DAP Executive Secretary in advance of the DAP meeting. Copies of written comments will be presented to DAP members by the Executive Secretary in advance of the meeting. All comments, regardless of whether they relate to design issues, will be forwarded by the DAP Executive Secretary to the DAP. All comments will be forwarded to the

members of the DAP regardless of the content of the comments [Section 16.1506].

- F. Members of the public may inspect applications, graphics, minutes and all materials at the DPZ public service counter or by contacting the DAP Executive Secretary.
- G. The DAP Executive Secretary will prepare summary notes of the recommendations of DAP made by motion and including all votes (passed, failed and tie votes). These will be available within ten calendar days of DAP meetings and will be provided to the DAP, the Applicant, DPZ and the Hearing Examiner, and all *interested parties*.
- H. For the purposes of this requirement, an *interested party* is any member of the public who requested a copy of meeting notes and who provided contact information such as e-mail or current mailing address where minutes may be sent [Section 16.1506].
- I. Applicants must submit to the DAP Executive Secretary written responses regarding the DAP's recommendations within 10 calendar days of distribution of meeting notes.

103. Recommendations

- A. The DAP will make recommendations by motion and all motions will be recorded and presented to the DPZ Director and/or Hearing Examiner as applicable.
- B. The DAP may require one subsequent submittal by the applicant to be reviewed at a subsequent DAP meeting before the proposal may be submitted to DPZ.
- C. The DAP shall make recommendations consistent with the Route 1 Manual or compatibility criteria for age-restricted adult housing regarding [Section 16.1504]:
 - 1. The design for buildings, vehicular circulation and access, pedestrian access and linkages, parking, loading, dumpsters, external mechanical units, existing trees, landscaping and hardscape, and walls and fences;
 - 2. Building scale and massing in relation to and compatible with the surrounding area;
 - 3. Building architectural style, materials, entrances, windows, roof design, and colors;
 - 4. Open space on the site including pathways, public spaces, amenity areas, and similar features;
 - 5. The design of exterior lighting devices and potential disturbances to the public and adjacent properties; and
 - 6. The location, size, and design of exterior signs.
- D. Recommendations shall correspond with the type of application under review:
 - 1. Subdivision applications (sketch plan, preliminary plan, or final plan)
 - 2. Site Development Plan applications
 - 3. Conditional use applications

- E. Unless a delay was caused by the failure of an applicant to submit information requested by the Panel, the Panel shall make a recommendation within 45 days of acceptance of a plan. If a delay was not caused by the applicant and the Panel fails to make a recommendation within 45 days of acceptance of the plan, further Panel review is not required. A development plan may then be submitted to the Department of Planning and Zoning in accordance with the subdivision and land development regulations [Section 16.1505, sub-section B].
- F. The Panel may require the applicant to provide up to one subsequent submittal for review and advice. Subsequent review shall be completed and a recommendation shall be made within 30 days of the Panel's receipt of the subsequent submittal [Section 16.1505, sub-section C].
- G. In its recommendations, the DAP may request that Applicants provide DPZ with greater detail or more information to be submitted for SRC review and approval.
- H. For proposals where applicants have requested to submit in phases, DAP may make recommendations regarding issues and documents to be submitted in future phases.

104. Pre-Application Advice

- A. Applicants, their licensed architects and other consultants are encouraged to contact the DAP Executive Secretary in advance of any submission to ensure that the project is subject to DAP review, to request an introduction to the DAP process and, if desired, to discuss the requirements of the Route 1 Manual. This is a courtesy meeting with staff, prior to submitting materials and/or drafting conceptual or any other kinds of drawings. This early contact may save the applicant substantial time, effort and cost.
- B. Individual members of the DAP do not meet with applicants or architects in advance of meetings or applications in accordance with adoption of these Rules of Procedure.
- C. Members of the DAP should refer applicants, architects and any member of the public who may contact them in advance of any meeting to either the DAP Executive Secretary or the Chairperson with reference to these adopted Rules of Procedure.

105. Applications

Applicants are asked to submit graphics and other materials to facilitate a discussion among the applicants' design professionals of the proposal and the design professionals on the Panel. The specific documents, drawings and submission materials are therefore the choice of the design professionals preparing the application subject to the following:

- A. Building plans, building elevations and building perspectives must be prepared by the licensed Architect who will appear before DAP to present the project for DAP review.
- B. Illustrations, sketches and concept drawings are encouraged to explain the proposal.

- C. Photographs, aerials/pictometry and other materials that indicate context are highly encouraged. At a minimum, materials locating existing structures on all adjacent properties and major landmarks in the vicinity should be included for the discussion.
- D. Materials that permit a discussion of the proposed design in relationship to the existing and any change to topography are essential for the Panel's consideration.
- E. Applicants and architects are expected to submit written, graphic and photographic materials to inform the discussion of the following issues regarding their proposal:
 - 1. For Subdivision applications (sketch plan, preliminary plan, final plan)
 - a. Project goals, overall project layout and design philosophy
 - b. Parcel layout, proposed uses and vertical mixing of uses schema
 - c. Project integration with the existing context and County requirements
 - d. Road layout and connections with surrounding roads and properties
 - e. Parking location and relationships with buildings and public streets
 - f. On-site vehicular, transit, bicycle and pedestrian circulation systems
 - g. Route 1 frontage sidewalk and streetscape issues, if applicable
 - h. US 1 right-of-way, median, travel lane and bike lane configuration
 - 2. For Site Development Plan applications
 - a. Project goals, overall project layout and design philosophy
 - b. Project integration with the existing context and County requirements
 - c. Building location, orientation, design, scale, height and massing
 - d. Building fenestration, articulation and proposed colors and materials
 - e. Location and design of open space and pedestrian amenity areas
 - f. Parking location and relationships with buildings and public streets
 - g. On-site vehicular, transit, bicycle and pedestrian circulation systems
 - h. Design and integration of lighting, landscaping, walls, fences and all screening for loading areas, service uses, dumpsters and utilities
 - i. Preservation and integration of existing trees and natural features
 - j. Route 1 Manual sidewalk and streetscape improvements, if applicable
 - k. Locations, orientation, designs, colors and materials for sign package
 - 3. For Conditional Use applications
 - a. Project goals, overall project layout and design philosophy
 - b. Project integration with the existing context and County requirements
 - c. Building location, orientation, design, scale, height and massing
 - d. Building fenestration, articulation and proposed colors and materials
 - e. Location and design of open space and pedestrian amenity areas
 - f. Parking location and relationships with buildings and public streets
 - g. On-site vehicular, transit, bicycle and pedestrian circulation systems
 - h. Design and integration of lighting, landscaping, walls, fences and all screening for loading areas, service uses, dumpsters and utilities
 - i. Design that addresses the criteria for age-restricted adult housing per Section 131.N.1, Zoning Regulations, with a focus on the following :

(1) Site Design [excerpted from Section 131.N.1(4), Zoning Regulations]

The landscape character of the site must blend with adjacent residential properties. To achieve this:

- (a) Grading and landscaping shall retain and enhance elements that allow the site to blend with the existing neighborhood.
- (b) The project shall be compatible with residential development in the vicinity by providing either:
 - (i) An architectural transition, with buildings near the perimeter that are similar in scale, materials and architectural details to neighboring dwellings as demonstrated by architectural elevations or renderings submitted with the petition; or
 - (ii) Additional buffering along the perimeter of the site, through retention of existing forest or landscaping, enhanced landscaping, berms or increased setbacks.

- (2) Compliance with bulk Requirements, Section 131.N.1, Zoning Regs
- (3) Design of community buildings and/or interior community space
- (4) Loading and trash storage areas adequately screened from view
- (5) Open space areas, recreational facilities and accessory facilities
- (6) Amenities such as pathways, seating areas and recreational areas
- (7) Protection of natural features (including existing trees and landscape)
- (8) Universal design features appropriate for age-restricted adult housing

- F. Minutes and graphics from required pre-submission meetings shall be submitted in electronic form to the DAP Executive Secretary in advance of the DAP meeting.
- G. At the time of plan submittal and depending on the scale and phasing of the proposed development, an applicant may request that the Panel review a plan in a series of two or more steps [Section 16.1505, sub-section D].
- H. An applicant must make an appointment with the DAP Executive Secretary in order to submit an application for review. The DAP Executive Secretary will determine if an application is required and if an application is generally complete; applications must be submitted and determined complete prior to DAP adopted submission deadlines.
- I. An applicant who submits an incomplete application and who has not resubmitted a complete application by the deadline cannot have his proposal scheduled for review at the corresponding DAP meeting. Deadlines are based on notice requirements.
- J. At least 20 days prior to the date scheduled for a DAP meeting, applicants may submit an application for the review of a proposal to the DAP Executive Secretary.
- K. Applications that are submitted after any deadline and that are determined by the DAP Executive Secretary to be generally complete may be scheduled for the next, regularly scheduled meeting of the DAP based upon the next, scheduled deadline.

106. Amendments to Rules of Procedure

- A. The DAP or any person may petition for amendments to the Rules of Procedure.
- B. Meeting and Notice
 - 1. Amendments may be considered at any regular or special meeting, where an amendment to the Rules of Procedures has been noticed at least three days.
 - 2. Amendments must be adopted by the affirmative majority of the DAP.
 - 3. Any adopted amendments to the Rules of Procedure shall become effective at the next, regularly scheduled Meeting, or at the time specified by the DAP
 - 4. The adopted Rules of Procedure will be maintained as a public record by DPZ.

107. Guidelines

- A. The DAP adopts the following as general design guidelines:
 - 1. Principles established by Council Bill 24-2008 (Section B below);
 - 2. Route 1 Manual;
 - 3. Age Restricted Adult Housing (ARAH) conditional use criteria; and,
 - 4. Principles of Sustainability and green design.
- B. The DAP shall apply architectural, landscape architecture, and urban design principles in order to achieve the following objectives in a proposed plan [Section 16.1503]:
 - 1. *Site Planning* which creates attractive visual and functional relationships of the on-site design elements and between the site and surrounding area;
 - 2. *Buildings* and other structures which are spatially and visually integrated into and suitable for the site and surrounding area;
 - 3. *Architectural features* which articulate the structures, create an identity for the development while being in harmony with the adjacent and surrounding built environment, and are consistent with the:
 - a. Design requirements of the Route 1 Manual; or
 - b. Criteria of a conditional use, as applicable;

4. *Open Space* which provides visual functional integration of the streetscape, public spaces, and pedestrian connections and transportation connections;
5. *Landscaping* which enhances the architectural and site design, works with the natural features of the site, provides adequate screening, and defines spaces on the site; and,
6. *Design Objectives* in the Route 1 Manual or compatibility criteria for age-restricted adult housing set forth in Section 131.N.1 of the Howard County Zoning Regulations.

N.B. The DAP hereby recognizes that the DPZ Director may forego any requirement within these procedures when the County's interests would be adversely affected by the application of a procedure to a specific project, condition or situation. If such an action by the DPZ Director follows a meeting of the DAP, then the Applicant, the DAP, any *interested parties* and/or the Hearing Examiner, if applicable, would be notified in writing by the DAP Executive Secretary.
